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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,675	02/25/2004	Taku Imajo	2418.66US01	3019

7590 03/07/2005

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,675

Applicant(s)

IMAJO ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/04; 8/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 19, 2005.

Claim Objections

2. Claims 8 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim .

3. Claims 8 and 13 are objected to because of the following informalities: In claim 8, line 2, "connecting the mechanism" should be --connecting mechanism--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Seibold (US Patent 6,113,191).

Regarding claim 1, Seibold discloses a retractable seat (30) to be attached to a floor, comprising: a seat cushion (36) ; a seat back (32) rotatably supported on the seat cushion (36); a link mechanism for supporting the seat cushion (36) on the floor, the link mechanism including a front leg (38) and a rear leg (44) that are pivotally connected to the seat cushion and the floor so that the seat can be switched between a use condition (Fig. 3A) and a retracted condition (Fig. 3C), the front (38) and rear legs (44) respectively having a different link length so as to produce a difference between a rotating range of the front leg and a rotating range of the rear leg; and a compensation mechanism (60) for compensating for the difference between the rotating ranges of the front and rear legs within an operating range of the link mechanism.

Regarding claim 2, Seibold discloses a retractable seat as defined in claim 1, wherein the compensation mechanism (60) comprises a movable connecting mechanism (58) provided to a connecting portion (44) of the link mechanism, the movable connecting mechanism (58) being arranged and constructed to move the connecting portion (44) in a longitudinal direction of the seat when the seat is changed between the use condition and the retracted condition.

Regarding claim 3, Seibold discloses a retractable seat as defined in claim 2, wherein the movable connecting mechanism (58) comprises a hinge pin (inherent) attached to one of the front and rear legs (44), and an elongated hole (60) formed in a bracket mounted (40) on the floor, the elongated hole (60) slidably receiving the hinge pin.

Regarding claim 4, Seibold discloses a retractable seat as defined in claim 3, wherein the hinge pin is attached to the rear leg (44).

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Regarding claim 8, Seibold discloses a retractable seat as defined in claim 2, further comprising a restriction mechanism that can lock the moveable connecting mechanism (44) when the seat is in the use condition.

Regarding claim 12, Seibold discloses a retractable seat to be attached to a floor, comprising: a seat cushion (36); a seat back (32) rotatably supported on the seat cushion; a link mechanism for supporting the seat cushion on the floor, the link mechanism including a front leg (38) and a rear leg (44) that are pivotally connected to the seat cushion (36) and the floor so that the seat can be switched between a use condition (Fig. 3A) and a retracted condition (Fig. 3C), the front (38) and rear (44) legs respectively having a different link length so as to produce a difference between a rotating range of the front leg and a rotating range of the rear leg; a compensation mechanism (60) for compensating for the difference between the rotating ranges of the front and rear legs within an operating range of the link mechanism, the compensation mechanism (60) comprising a hinge pin (58) and an elongated hole (60) slidably receiving the hinge pin (58); and a restriction mechanism (112) that can retain the hinge pin (58) at a desired position within the elongated hole when the seat is in the use condition (Fig. 5).

Regarding claims 9 and 13, Seibold discloses a retractable seat as defined in claim 12, wherein the restriction mechanism (112) comprises a spring member (inherent to a latch) that elastically forces the hinge pin.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 10, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold.

Regarding claims 10 and 14, Seibold does not disclose that the vehicle includes a recess for receiving the seat. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a recess in the vehicle floor for receiving the seat. The motivation would have been to provide a flat cargo surface when the seat is retracted. Regarding claims 11 and 15, the seat of Seibold is a bench seat. The Examiner takes Official Notice that bench seats are known rear seats of vehicles.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses other vehicle seats which have in use and retracted positions.

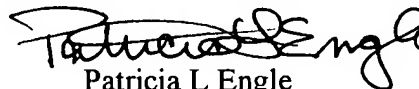
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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March 2, 2005